IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.384/1997

Rajasthan State Industrial Development &
Investment Corporation Limited, Jaipur
...defendant-appellant
Versus
Rameshwar Lal Baheti S/o Shri Ganga Ramji
...plaintiff-respondent

Date of Order ::: 22.12.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri S.K. Sharma, Sr. Deputy General Manager of the defendant-appellant, present-in-person, with
Shri A.K. Sharma, Counsel for defendant-appellant

Shri Narain Prasad Baheti, Power-of-attorney-holder on behalf of the plaintiff-respondent, present-in-person, with Shri P.S. Shukla, Counsel for plaintiff-respondent

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By the Court:-

Heard learned counsel for both the parties.

The plaintiff-respondent filed a Civil Suit No.936/1975 for declaration and permanent injunction in respect of the plot No.E-411 situated at Vishwakarma Industrial Area, Jaipur, which was dismissed by the trial court vide judgment dated 28.7.1995. However, on an appeal filed by the plaintiff, the suit of the plaintiff-respondent was decreed. The judgment of the trial court dated 28th of July, 1995 was set-aside, and the order dated 19.3.1975, passed by the defendant, was declared as

null-and-void, and the defendant was restrained from interfering with the possession of the plaintiff in respect of the disputed plot No.E-411 situated at Vishwakarma Industrial Area, Jaipur. Being aggrieved with the same, this second appeal has been preferred on behalf of the defendant.

During the pendency of the second appeal, both the parties have entered into a compromise out of the court and they have moved a joint application for disposal of this second appeal in terms of the compromise.

As per the terms of the compromise, the plaintiff-respondent has agreed to make payment of a sum of Rs.39,73,490/- (Rupees thirty-nine-lac seventy-three-thousand four-hundred and ninety only) to the appellant towards retention and restoration charges etc., within a period of thirty days from today and consequent upon deposit of the aforesaid amount, the possession of plot No.E-411 situated at Vishwakarma Industrial Area, Jaipur, shall stand restored to the respondent. The other terms and conditions have also been mentioned in the application-cum-compromise.

The application-cum-compromise, duly signed by representatives of both the parties and their respective Advocates, has been attested and verified by the Registrar (Administration) of this Court.

In view of the above, the application under Section 151 of the CPC, filed by both the parties for decision of this second appeal in terms of compromise arrived at in between them, is allowed.

Consequently, the second appeal is disposed of in terms of the compromise arrived at in between both the parties. A copy of the application-cum-compromise shall form part of this order. The judgment and decree passed by the first appellate court is accordingly set-aside and the suit of the plaintiff is decreed in terms of the compromise.

There shall be no order as to costs.

(Narendra Kumar Jain) J.

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